Remarks:

Reconsideration of the application is respectfully requested.

Claims 1 - 23 are presently pending in the application. New claims 18 - 23 have been added. Applicant gratefully acknowledges that claims 11 - 17 have been allowed, and that claims 5 - 8 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend.

In item 8 of a final Office Action dated January 13, 2005 (**"FINAL OFFICE ACTION"**), claims 1 - 2, 4, 9 and 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,600,782 to Thomson (**"THOMSON"**).

In item 10 of the **FINAL OFFICE ACTION**, claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **THOMSON** over Applicant's admission of prior art (**"AAPA"**).

Applicant respectfully traverses the above rejections.

On April 13, 2005, Applicant filed a response (**"RESPONSE"**) to the **FINAL OFFICE ACTION**, in which no amendments were made, and

in which Applicant believes that the claims were distinguished over the **THOMSON** reference.

In the **RESPONSE**, Applicant's arguments focused on the patentable difference of the reservation of storage elements of Applicant's claims 1 and 10 for a particular purpose, **as recited in the words of claims 1 and 10**. More particularly, Applicant focused mainly on the fact that independent claims 1 and 10 affirmatively recite, among other limitations, **storage elements for storing data representing different states of the CAN module.** As such, the storage elements of claims 1 and 10, **are reserved** for the specially assigned purpose of **storing data representing different states of the CAN module**.

Applicant additionally pointed out, in detail that the **THOMSON** reference failed to teach or suggest, Applicant's particularly claimed **storage elements that store data representing the different states of the CAN module**. Rather in **THOMSON**, the two transmit storage buffer **registers** TXD1 and TXD2, and the two receive buffer **registers** RXD1 and RXD2, **store** data **not** representing different states of the CAN module, which is contrary to Applicant's claims 1 and 10. Regularly received data is written to the registers TXD1, TXD2, RXD1 and RXD2. See col. 9 of **THOMSON**, lines 30 - 56.

It is clearly evidenced in **THOMSON** that it is **regular data,**

not data representing different states of the CAN module,

stored in the registers TXD1 and TXD2 (i.e., cited in the

Office Action as analogous to Applicant's storage elements).

See, Col. 9 of **THOMSON**, lines 10 - 21. As such, Applicant

believes that the **RESPONSE** to the **FINAL OFFICE ACTION**, clearly

distinguished the claims from the **THOMSON** reference.

However, the Advisory Action in the present case, **did not**

address the arguments made in the RESPONSE by Applicant.

Rather, the Advisory Action, merely reiterated statements made

in the **FINAL OFFICE ACTION,** in response to statements made in

Applicant's previously filed response. But the Advisory

Action did not address Applicant's focused arguments of the

present **RESPONSE,** regarding the particularly claimed

reservation of **storage elements** for a particular type of data

(i.e., **data representing different states of the CAN module**).

More particularly, paragraph 11 of the Advisory Action,

stated:

> "The request for reconsideration has been considered
> but does NOT place the application in condition for
> allowance because: Regarding claim 1, Thomson teaches
> a CAN module (see Figure 4), including storage elements
> (see "41" and "38"). In addition, this CAN module
> teaches identification of three different states in
> which the CAN interface is operating: error active
> state, error passive state, and busoff state (see col.
> 12, claim 1). With respect to Applicants arguments on
> Page 4 of 9, the claim limitation, disclosing different
> states of the CAN module was addressed in previous

Office Action. However Examiner maintains his
position, stating that the language used by Applicant
in support of the limitations in claim 1 ("these states
used to attach to multiple CAN buses" and "different
states necessary to operate with multiple CAN nodes) is
not claimed and was not incorporated in Examiner's
interpretation of the claim. In fact, Applicant's
response does not address the second limitation argued
but not claimed, "different states necessary to operate
with multiple CAN nodes". Accordingly, Examiner
maintains the rejections presented in previous Final
Office action."

Applicant would like to address each portion of the reasons

for non-allowance given in paragraph 11 of the Advisory Action

separately herebelow.

The first portion of paragraph 11 of the Office Action,

states:

"The request for reconsideration has been considered
but does NOT place the application in condition for
allowance because: Regarding claim 1, **Thomson teaches
a CAN module (see Figure 4), including storage
elements (see "41" and "38")**. In addition, this CAN
module teaches **identification of three different
states** in which the CAN interface is operating: error
active state, error passive state, and busoff state
(see col. 12, claim 1)." [emphasis added by
Applicant]

This argument was made in the **FINAL OFFICE ACTION**. As set

forth on page 5 of Applicant's **RESPONSE** to the **FINAL OFFICE**

ACTION, the above recitation of elements from **THOMSON, still**

fails to make a prima facie case of anticipation of

Applicant's claims 1 and 10. As stated on page 5 of the

RESPONSE:

However, **taking everything in the above-cited Office
Action paragraph as true, arguendo, the Office Action
still has not made the necessary case that THOMSON
renders Applicant's claims anticipated or obvious.**
Rather, the Office Action merely states that **THOMSON** has
storage elements and that THOMSON teaches different
states of the CAN module, **but the Office Action fails to
point to any teaching or suggestion in the THOMSON
reference of storage elements** that are used to store data
representing different states of the CAN module, as is
required by Applicant's claims 1 - 10. This is because
the **THOMSON** reference neither teaches, nor suggests,
storage elements that are used to store data representing
different states of the CAN module as recited in claims 1
and 10 of the instant application." [emphasis in
original].

The assigned purpose of the storage elements of Applicant's

invention of claims 1 and 10, **which store the different states**

of the CAN module, but absent from **THOMSON**, were not addressed

in the Advisory Action.

Rather, the next section of paragraph 11 of the Advisory

Action, states:

"With respect to Applicants arguments on Page 4 of 9,
the claim limitation, disclosing different states of
the CAN module was addressed in previous Office
Action. **However Examiner maintains his position,
stating that the language used by Applicant in support
of the limitations in claim 1 ("these states used to
attach to multiple CAN buses" and "different states
necessary to operate with multiple CAN nodes) is not
claimed and was not incorporated in Examiner's
interpretation of the claim."** [emphasis added by
Applicant]

Contrary to this statement of the Advisory Action, **Applicant**

did not argue, in the present **RESPONSE,** that "these states

used to attach to multiple CAN buses" and "different states

necessary to operate with multiple CAN nodes". Applicant did

not raise at all in the RESPONSE, multiple CAN nodes, except

to say, on page 4 of the RESPONSE, that by focusing on the

previously argued "multiple CAN buses" , the Examiner had

failed to address Applicant's storage elements argument. More

particularly, the relevant portion of page 4 of the RESPONSE,

stated:

> "Applicant respectfully traverses the above statement
> of the Office Action. In choosing to address the
> "multiple CAN buses", allegedly not explicitly recited
> in Applicant's claim 1, the Office Action fails to
> address Applicant's most basic argument that "data
> stored represents 'different states of the CAN
> module'", which is clearly part of independent claims 1
> and 10." [emphasis added by Applicant]

In the RESPONSE, Applicant chose to focus on the actual words

of the claim, rather than why the different CAN node states

were believed necessary. Contrast page 20 of Applicant's

SUPPLEMENTAL AMENDMENT of October 14, 2004.

More particularly, Applicant focused on THOMSON's failure to

teach or suggest that the storage elements of the CAN module

are used to store data representing different states of the

CAN module, as required by Applicant's claims 1 and 10. As

such, Applicant does not understand why the statements "these

states used to attach to multiple CAN buses" and "different

states necessary to operate with multiple CAN nodes" were,

again, addressed in the Advisory Action, **instead of the
arguments relating to the specially assigned purpose of
Applicant's claimed storage elements** (i.e., **to store data
representing different states of the CAN module**).

That the Advisory Action addressed issues not raised by
Applicant in the **RESPONSE**, is further supported by the last
portion of paragraph 11 of the Advisory Action, which states:

> "**In fact, Applicant's response does not address the
> second limitation argued but not claimed**, 'different
> states necessary to operate with multiple CAN nodes'.
> Accordingly, Examiner maintains the rejections
> presented in previous Final Office action." [emphasis
> added by Applicant]

As such, it appears as though Applicant was penalized in the
Advisory Action **for not renewing** an earlier argument that was
made, but not in the claims. Whereas, there was no language
in the Advisory Action to address Applicant's actual argument
relating to a particularly claimed, specially assigned
purpose, of the **storage elements** (i.e., **used to store data
representing different states of the CAN module**).

Applicant respectfully believes that the current claims are
patentable over the **THOMSON** reference for many reasons, but
chose to focus in the last **RESPONSE,** mainly on the
patentability of claims 1 and 10 over **THOMSON** based on the
assigned purpose of the **storage elements** in Applicant's claims

1 and 10 **to store data representing different states of the**

CAN module. **Applicant** maintains that these particularly

claimed storage elements are neither taught, nor suggested in

THOMSON, as set forth in detail in the **RESPONSE**. Applicant

incorporates the **RESPONSE** herein, in its entirety. As such,

Applicant believes that claims 1 and 10 are patentable over

the **THOMSON** reference. As such, Applicant appreciatively

acknowledges the Examiner's statement that claims 5 - 8 "would

be allowable if rewritten in independent form including all of

the limitations of the base claim and any intervening claims."

However, in light of the above, Applicants respectfully

believe that rewriting of claims 5 - 8 is unnecessary at this

time.

However, in an attempt to provide greater clarity to this

case, Applicant has added claims new claims 18 - 23, which

specifically recite "**multiple CAN nodes**". Now, as argued in

the **SUPPLEMENTAL RESPONSE**, Applicant's claim 18 recites, among

other limitations, that the "data being stored in the

plurality of sets of storage elements represents different

states of the CAN module," and is "**relevant to**" the "**multiple**

CAN nodes".

New claims 18 - 22 are supported by the instant application,

page 7, line 7 - page 8, line 9, which states:

"A controller area network (CAN) module, described in
more detail below, is part of a microcontroller which
can be networked with other control devices (for
example microcontrollers, too), actuators or sensors
via a plurality of CAN buses (CAN nodes). It is
distinguished by the fact that it has **a plurality of
sets of storage elements for storing a plurality of
sets of data representing different states of the CAN
module.**

This makes it possible for the CAN module or parts
thereof to be switched back and forth between
different states, which in turn opens up the
possibility of using the CAN module or parts thereof
alternately for operating with a plurality of CAN
buses.

**The states represented by the data sets which can be
stored in the plurality of sets of storage elements
are, in particular, the states of components of the
CAN module** which have low capacity utilization. In
the example considered in the present case, data
representing different states of the so-called bit
stream processor are stored in the plurality of sets
of storage elements. **As a result, the relevant bit
stream processor can be used for a plurality of CAN
buses.** This proves to be particularly advantageous
because the bit stream processor is one of the largest
and most complicated constituents of the CAN module
and the fact that it can be used for a plurality of
CAN buses makes it possible to achieve a particularly
pronounced saving of chip area." [emphasis added by
Applicants]

Applicant believes that **THOMSON**, which uses the different CAN

states to represent different error states of a CAN module

(see col. 6 of **THOMSON**, lines 52 - 55), does not teach or

suggest, Applicant's invention of claim 18, including

"multiple CAN nodes" and stored "data" **"relevant to"** the

"multiple CAN nodes". This distinction is particularly

apparent because, as stated on pages 19 - 20 of the

SUPPLEMENTAL AMENDMENT, the system of **THOMSON** discloses a CAN

interface with **only a single CAN node.**

In view of the foregoing, reconsideration and allowance of

claims 1 - 23 are solicited.

In the event the Examiner should still find any of the claims

to be unpatentable, counsel would appreciate receiving a

telephone call so that, if possible, patentable language can

be worked out.

If an extension of time for this paper is required, petition

for extension is herewith made.

Please charge any fees that might be due with respect to

Sections 1.16 and 1.17 to the Deposit Account of Lerner and

Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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May 20, 2005

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